

Critical Minerals and Human Rights: The Disproportionate Impact on Marginalised and Vulnerable Populations in the Global South.

Written Input By

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Introduction

The extraction of critical minerals is a central element of the global transition to renewable energy and technology. As Farley (2021) argues, the push for these minerals often results in significant economic benefits in mining regions, including job creation, infrastructure development, and improved living standards. While mining offers potential economic growth benefits, they are rarely evenly distributed and are often overshadowed by severe human rights violations, disproportionately affecting vulnerable and marginalised communities, particularly in the Global South. The economic growth spurred by mining often fails to reach these communities, while they bear the brunt of environmental degradation, forced displacement, and exploitation. The challenge, therefore, lies in ensuring that the economic opportunities provided by mineral extraction do not come at the expense of fundamental human rights, especially for the most vulnerable populations. This submission critically examines how the negative human rights impact of critical mineral extraction outweighs its economic benefits and emphasises the need for robust safeguards to protect vulnerable populations.

Causes of Human Rights Impacts

The extraction of critical minerals, essential for advancing global technology and renewable energy systems, is often presented as a necessary trade-off for economic progress and environmental sustainability. As the world transitions to a greener economy, it is crucial to address these disparities and ensure that the human rights of affected populations are safeguarded. The negative human rights impacts associated with the mining of critical minerals are primarily driven by weak governance, corporate negligence, and global demand for critical minerals. Schmitz (2017) emphasises that mining, especially in developing economies, often occurs in regions with weak institutional frameworks. This results in inadequate protections for local communities, where legal loopholes and insufficient regulation enable exploitation and environmental degradation.

Kolb and Holtermann (2020) provide further insight into the global politics of extractive industries, arguing that multinational corporations frequently prioritise profit over the well-being of local populations. These companies, under the guise of fostering economic development, often perpetuate human rights violations by exploiting low-cost labour, environmental degradation, and child labour while externalising the social and environmental costs of extraction. Furthermore, global demand for minerals such as cobalt, lithium, and rare earth elements, particularly in the renewable energy and technology sectors, fuels these abuses by driving competition for resources in already vulnerable regions.

Wilson (2018) expands on this by discussing the social impacts of mining, noting that the environmental degradation and economic inequalities resulting from mining operations contribute significantly to the displacement of communities and the loss of livelihoods, further exacerbating local poverty. These impacts are exacerbated when there is insufficient accountability within mining operations, leaving communities exposed to health hazards, unsafe working conditions, and insufficient compensation. In regions already vulnerable due to political instability and inadequate legal infrastructure, these corporations prioritise profits over the well-being of local populations, leaving them exposed to unsafe working conditions and environmental destruction.

The Failure of Corporate Responsibility

Despite the growth of corporate social responsibility (CSR) initiatives, McWilliams (2020) and Thompson (2021) argue that these efforts are often insufficient and poorly enforced. CSR commitments are often symbolic and do not address the systemic issues of exploitation and environmental degradation that continue in the mining industry.

Corporate social responsibility (CSR) initiatives have been touted as a means of mitigating the negative human rights impacts of mining, yet McWilliams (2020) argues that these efforts are often insufficient and poorly enforced. The failure to equitably distribute the benefits of mineral extraction exacerbates these human rights challenges. Schmitz (2017) and Kolb and Holtermann (2020) underscore the need for stronger corporate accountability in the mining sector. While companies in the mining sector may commit to ethical practices, they frequently fail to implement effective mechanisms to ensure the protection of human rights. Despite the growth of corporate social responsibility (CSR) initiatives, McWilliams (2020) and Thompson (2021) argue that these efforts are often insufficient and poorly enforced. CSR commitments are often symbolic and do not address the systemic issues of exploitation and environmental degradation that continue in the mining industry.

Legal frameworks that govern the mining industry often lack enforcement power, leaving companies to operate with impunity. Without stringent regulation and independent oversight, CSR initiatives remain limited in their ability to address the systemic human rights abuses inherent in the mining sector. Furthermore, the legal protections for workers and communities living near mining operations are frequently weak or non-existent. O'Connor (2021) underscores the importance of both legal reform and corporate accountability to address the social and environmental injustices associated with mining. Without robust laws and strong enforcement, the rights of workers and local communities will continue to be violated, while the companies benefiting from mineral extraction will remain largely unaffected by the human costs of their operations. Without effective legal frameworks and independent oversight, companies are free to operate with little regard for the human rights of affected communities.

Impacts on Human Rights of Vulnerable and Marginalised Communities

The negative impacts of critical mineral extraction disproportionately affect indigenous peoples, children, and marginalised groups in the Global South. Sykes (2020) noted that mineral extraction for renewable energy can both advance and undermine human rights. The mining process frequently displaces communities, violating their right to land and housing, and such displacement often occurs in regions already suffering from weak legal frameworks and limited access to justice. These harms, fuelled by inadequate consultation, insufficient compensation, and exclusion of local communities from benefits, disproportionately affect indigenous peoples, women, and marginalized communities, who often lack power and voice in decision-making.

Human Rights Watch (2018) highlights that multinational mining corporations frequently operate in regions with weak legal frameworks, allowing them to disregard labour rights and environmental standards. These corporations exploit local populations, particularly in sub-Saharan Africa and Latin America, where communities have limited access to legal recourse and are often forced into exploitative working conditions. In the Democratic Republic of Congo (DRC), as detailed by UNICEF (2019) and The Guardian (2021), cobalt mining has led to widespread child labour and unsafe working conditions. The demand for cobalt—crucial for electric vehicle batteries and other green technologies—has fuelled these abuses, where children are subjected to dangerous mining

conditions, working in deep pits without adequate safety measures or proper wages. The local population bears the cost of these operations, as the profits are siphoned off by multinational companies, while communities receive minimal benefits. Huggins (2020) highlights that the conditions starkly contrast with the economic benefits touted by the industry, which are rarely realised by the very communities providing the minerals.

The mining sector's failure to distribute the benefits equitably exacerbates existing inequalities. Green (2020) documents that children in the DRC are denied education and subjected to physical harm, which represent a stark example of how vulnerable populations are disproportionately affected by the demand for critical minerals. The human cost of these minerals is often invisible to the global consumer, whose access to renewable technologies is built on the backs of marginalised workers. Similarly, in Latin America, Jimenez (2022) documents the environmental and human rights abuses associated with lithium mining in Latin America, a key mineral in electric vehicle batteries. Despite the significant global demand for lithium, local communities often receive little benefit from the economic opportunities it generates. Indigenous communities in Argentina, Chile, and Bolivia, despite living on mineral-rich lands, face land dispossession and water scarcity due to large-scale lithium extraction. At the same time, with little or no compensation for the environmental damage, the economic benefits are concentrated in the hands of multinational corporations and government elites, leaving local populations marginalised and excluded from the decision-making processes that impact their lives.

Indigenous peoples and marginalised groups are most at risk, suffering from exploitation due to their lack of legal protections and limited access to resources. The extraction of minerals like cobalt and lithium, used in renewable energy technologies, disproportionately affects communities in the Global South, where labour rights are frequently overlooked. The causes of these impacts are rooted in global demand, corporate greed, and weak governance, leaving vulnerable populations exposed to exploitation. Johnson (2017) explains that while resource extraction can generate revenue and employment, the benefits are often unequally distributed, particularly in developing economies, where local communities bear the brunt of environmental degradation and displacement.

Spitz and Trudinger (2019) emphasize that mining can result in severe environmental destruction, affecting ecosystems and communities, particularly in resource-rich but politically unstable regions. Aubert (2021) illustrates this with a case study on the Democratic Republic of Congo, where mining, especially for minerals like cobalt, leads to widespread human rights violations, including child labour, unsafe working conditions, and forced displacement. Additionally, Friedman (2020) highlights that the increasing demand for minerals in the technology and green energy sectors exacerbates these issues, with marginalised communities in the Global South disproportionately bearing the negative impacts. These communities often face exploitation due to weak governance and lack of legal protections.

The disproportionate impacts of mineral extraction are also evident in the Amazon region, where mining activities have led to severe environmental damage, as described by Environmental Justice Network (2022). Indigenous populations in the Amazon are frequently displaced by large-scale mining operations, which contaminate rivers and destroy vast tracts of forest. These communities, who rely on the forest for their livelihoods, are left with no recourse to protect their rights, further marginalizing them in the face of global demand for minerals used in electronics and renewable energy technologies.

Schmitz (2017) and Kolb and Holtermann (2020) underscore the centrality of corporate accountability in addressing these issues. Without effective regulation and robust legal frameworks,

the social and environmental justice concerns of affected communities are sidelined in favour of profits. The need for corporate responsibility in mitigating these human rights impacts is clear, but as Wilson (2018) argues, the failure to implement such accountability contributes to the perpetuation of these abuses.

The Need for a Just Transition

A critical aspect of ensuring that the benefits of mineral extraction do not come at the expense of human rights is the establishment of a just transition framework. A just transition model is essential to mitigate the negative human rights impacts of critical mineral extraction. This includes strengthening legal protections for workers, ensuring that mining operations adhere to international labour standards, and providing fair compensation mechanism and support for communities affected by displacement and environmental harm. Kamara (2019) (2019) stresses the importance of inclusive governance, where affected communities are meaningfully involved in decision-making processes related to mineral extraction. Governments, NGOs, and corporations must work together to develop policies that ensure the equitable distribution of both economic benefits and the burdens of mineral extraction.

A just transition also requires meaningful community participation in decision-making processes related to mineral extraction. Farley (2021) advocates for a model in which the local populations most affected by mining are involved in the planning and implementation of mining projects, ensuring that their rights are respected, and their voices are heard. Only by prioritising human rights and environmental justice can we hope to mitigate the negative impacts of critical mineral extraction and ensure that the energy transition benefits all people, not just the global elites and multinational corporations. A just transition framework ensures that the economic opportunities created by mineral extraction benefit local communities rather than exacerbating inequalities.

A Call for Effective Legal Implementation and Systematic Governance

The life cycle of critical minerals—from extraction to disposal—poses significant risks to human rights, which must be systematically assessed and mitigated at every stage. Effective mitigation demands the rigorous enforcement of existing international human rights and labor rights laws, which could pave the way for a more sustainable and responsible mineral supply chain. As Dou et al. assert, a sustainable supply chain for critical minerals hinges on an “international governance mechanism,” which can be achieved by aligning industry practices with the principles embedded in the United Nations Sustainable Development Goals (SDGs). The SDGs offer a comprehensive framework that not only fosters economic growth but also protects the human rights of vulnerable communities, integrating the diverse interests of impacted individuals, NGOs, and corporate actors. The SDGs encourage a holistic approach to the complexities involved in critical mineral extraction, ensuring that both environmental sustainability and human rights protection are treated as interdependent.

Despite the potential of these frameworks, a key issue remains: the lack of effective enforcement of human rights standards, particularly in the mining sector. The International Labour Organisation (ILO) Convention 176, which sets labor standards for the mining industry, is among the most notable legal frameworks, but its reliance on local enforcement mechanisms weakens its effectiveness. This gap in accountability undermines the protection of labor and human rights throughout the mining process. To address this issue, one potential solution is to incentivize responsible corporate behavior by rewarding companies that demonstrate adherence to human rights and sustainability standards. While the existence of international legal frameworks is

necessary, the true protection of vulnerable human rights will depend on the willingness of key actors to comply. However, existing international laws require amendments to explicitly safeguard these rights more effectively. Despite widespread documentation of human rights violations in mineral extraction, the progress in addressing these issues remains limited, with many regulations falling short of resolving the unique challenges posed by the mining of critical minerals.

This gap in enforcement and the lack of robust legal provisions highlight the urgent need for reform to ensure that human rights are fully protected throughout the critical mineral supply chain.

Conclusion

The life cycle of critical minerals presents both opportunities and risks. While the extraction of critical minerals is essential for the transition to a greener global economy, it also poses significant human rights risks, especially for marginalised communities. Case studies from the DRC, Latin America, and the Amazon demonstrate that the benefits of mineral extraction often fail to reach those most affected, with local communities suffering from exploitation, environmental degradation, and exclusion. The human rights impacts, particularly for marginalised communities, are severe and often outweigh the benefits. To ensure a fair and just transition to a green economy, robust human rights frameworks, corporate accountability, and inclusive governance are essential. The voices of vulnerable communities must be heard, and their rights protected, as the world seeks to address the urgent challenges of the climate crisis. Addressing these issues requires robust human rights frameworks, transparency, and accountability must guide the mining industry, addressing both the social and environmental costs of mineral extraction human rights frameworks, responsible sourcing, and accountability. Multinational corporations must adhere to international standards, and stronger legal frameworks are implemented to ensure that the profits from mineral extraction benefit local communities and protect their human rights.

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